

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LESLIE WYN BOWDEN,

Plaintiff,

V.

CHRISTINE O. GREGOIRE, *et al.*

Defendants.

CASE NO. C08-5516 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
PLAINTIFF'S COMBINED REBUTTAL/
MOTION FOR JUDGMENT ON THE
PLEADINGS

This matter comes before the Court on the recommendation of the Magistrate Judge that Plaintiff's motion for judgement on the pleadings be denied as frivolous and the Plaintiff's request for trial by grand jury be denied as frivolous [Dkt. # 83] Plaintiff has filed pleadings entitled "Emergency Follow-Up" [Dkt # 94 and # 95], which the Court construes as objection to the Report and Recommendation.

As detailed by the Report and Recommendation, Plaintiff motion for judgment on the pleadings merely repeats the allegations and claims made in his complaint and contests the denials thereof made by Defendants in their answer. This is a wholly insufficient basis upon which to rest a motion for judgment on the pleadings. Further, Plaintiff's request for a trial by a grand jury also as frivolous, as this is a civil, not criminal, matter.

The Court, having reviewed Plaintiff's combined rebuttal/motion for judgment on the pleadings [Dkt. #83], the Report and Recommendation of United States Magistrate Judge Karen L. Strombom, Plaintiff's objections, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's combined rebuttal/motion for judgment on the pleadings [Dkt. # 83] is **DENIED**; and
- (3) The Clerk is directed to send copies of this Order to Plaintiff, Defendants' counsel and Magistrate Judge Karen L. Strombom.

DATED this 23rd day of November, 2009.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE